WHEELING, WEST VA., FRIDAY MORNING, JANUARY 14, 1887.

VOLUME XXXV .--- NUMBER 123.

## The Intelligencer.

Office: Nos. 25 and 27 Fourteenth Street. THE Senatorial fight is growing warmer

at Charleston while the lobby is growing Is IT not just the least bit suggestive that

President Thompson should pay over eight thousand dollars taxes on the Ohio River railroad yesterday. Still it may

The prohibitory liquor amendment came and the vote on tabling it, if it was a testone, chance in passing the Senate. Nine Democrats and one Republican voted to table the measure, while fourteen votes were cast against the tabling motion.

Ir is no wonder that the Camden crowd is mad at Governor Wilson after one has real the reference in his message in regard to metho is employed in caucus elec-Payne, of Ohio, feel sad. However, we don't imagine that it will have any effect on the commercial instincts of the Democratic party. Money will flow and votes

ANOTHER West Virginian in the perso of H. H. Pendleton, gets a fat plum in the shape of the United States Consulship at Southampton, England, Mr. Pendleton is one of the bright young men of this city, and his friends need have no fear of him not being able to give a good account must have the offices the INTELLIGENCES caunot help but commend the good taste of the President in the selections he has

1883 of the great industry in which we are engaged, and which has added to the not less than \$150,000,000 annually. Official statistics show an actual decrease in the number of sheep in this State sinc the act of 1883 of 850,000 head, and a falling off in the wool product of 4,000,000 pounds this year as compared with the year 1883. From extensive corresmation to be obtained there has been a corresponding loss in the whole country of not less than 5,000,000 head and 20,000,000 pounds of wool, which is an annual and an increasing loss. Whilst our own product is thus decreasing the importation of foreign wool is rapidly increase ing. The value of the increased importstion during the last year ending, June 30, 1887, is a fraction over 88 percent above and this increase is chiefly in clothing and stroy a great and growing industry by its legislation as was done in the act of 1883, and we insist that our in dustry be placed upon the same footing amendment thereto. When practical wool-growers, men engaged in the busigress their views showing the dangerous they have been laughed at by theorists in public life and their fears pronounced groundless. What will they say now when confronted with these hard facis. showing a large increase in revenue to an overflowing treasury and the decay of one of the largest single industries in the

The statement closes with a resolution asking Congress without distinction to party to afford at once the necessary relief

FARWELL NOMINATED

To Succeed the Late General Logan in the United States Sounts. United States Sonate.
Springfield, LLL, Jan. 13.—The joint

Republican caucus to choose a successor to General Logan was called to order by Charles Bogardus, of Ford county, at 2:30 this afternoon and Senator Summer, of Winnebago county, was elected permanent chairman. The nominations were One hundred and ten vot

derson 10, Payson 12, Canuon 11, Carr Baum 7, Burchard 5, Plumb 1, Shuman

Morrison I, Medill I.

Obarles B. Farwell was nominated on the second ballot. As the roll was called there was a general break of the Southern members for the successful candidate. It becoming evident that Farwell would be nominated, Senator Evans withdrew the name of Hamilton, and no motion of Mr. name of Hamilton, and no motion of Mr. Green, of Wabsah county, the nomination of Farwell was made unanimous.

The Democratic Senatorial caucus was called to order at 7:30 and R. L. McKillay was elected permanent chairman. An informal ballot for United States Senator resulted as follows: Morison 23, L. B. Staphenson 16, R. W. Townshend S, Judge J. J. Phillips 3, Worthington 5, Judge J. O. Black 1, R. J. Pendergast 11, M. W. Fuller 1, W. J. Allen 2. The candidates being announced by informal ballot, a formal ballot was taken. Morrison received 33. Stenbenson 29, Townshend 6, Pender

INDIANAPOLIS, Jan. -13 .- In the Circuit Court this morning in the application filed

by President Green Smith of the Senate. by President Green Smith of the Sonate, praying for an injunction restraining Lieutenant Governor Robertson from performing the duties of his office, the attorneys for the latter moved for a continuance until after the adjournment of the Legislature. Judge Ayers overruled the motion and gave Robertson until to-morrow to answer Smith's complaint.

Turple Takes the Cake. Indianapolis, Ind., Jan. 12,-The Democratic Senatorial caucus was held to-night, seventy-two members being present. On was a large addition to the visiting states the fourth ballot, David Turpie was nomi- men and though the recital of their names nated, receiving forty-five votes. ExSenator McDonaid was his principal competitor. Four Democrats, Knights of Labor, declined to enter the caucus, and it
is not known whether they will support
the nominee. Mr. Turpic is at present
United States Attorney for Indiana.

## THE CAMPEN LOBBY.

And Beating the Bushes for Recruits-The fort to be Extracted from that Quarter - Legislative Proceedings.

CHARLESTON, W. VA., Jan. 13 .- If there ever had been a chance to bring any Re-

publicans to support Mr. Camden the powerful lobby brought here in his inter ests would have solidified Republicans up in the Senate at Charleston yesterday against him. This array of bushwhacking strength not only gives offense but is in does not indicate that it will stand much terpreted as a sign of weakness. It is dead sure thing his friends say he has be would not need to turn the town into camp of hurrah boys to put up a fictitious public opinion for him and execute such fine work as may be cut out at headquar

> Such a lobby has never infested any Such a lobby has never infested any West Virginia Legislature. It is not exclusively a Democratic lobby, but includes some active Republicans, who will have their trouble for their pains. Efforts are being made to show Republicans in the Legislature why they ought to help to demoralize the Democratic party by giving Camden enough votes to elect him. But the Republicans are wise enough to know that the election of Camden by their votes would demoralize their own party and they argue that a growing party cannot afford to cut its throat so early in the game.

THE CAT IN THE MEAL TUB. If, they say, Democrats prefer Mr. Camden, they have a majority and let sharply between the two parties on a question of growing popular interest which in the next campaign will be of commanding importance in Wast Virginia. The Camden men are still undetermined whether it is better to try a caucus early next week. If they attempted a caucus are now it would probable fail. The Ohio Wool Growers' Association, which has just adjourned, presents some very strong facts which argue for an increase in the tariff. The decline in this industry has been startling. The statement of the Association is as follows:

"The attention of the people of this State and of the whole country is drawn to the rapid decline under the tariff of 1851 of the great industry in which we are all sorts of breakers ahead.

Col. George W. Thempson stepped into the Treasurer's effice to-day and handed him a check for \$8.500 to nay takes on the country takes of the country takes the co him a check for \$8,500, to pay taxes on ninety-four miles of the Ohio River road.

LEGISLATIVE PROCESDINGS.

everal Important Measures Introduced

CHARLESTON, W. VA., Jan. 13 -Amon. the grist of resolutions and bills ground out to-day were the following: By Mr. Jones, of Preston, a resolution to instruct the Penitentiary Committee to inquire into the expediency of so amending seccerning the working of convicts so as to provide for the manufacture by them of clothing, shoes and other articles for their

and this increase is chiefly in clothing and combing wool. We dony the right of congress to strike down and demended to be made in the penitentiary arrow a great and growing industry are now bought in other States.

COMPULSORY EDUCATION. Mr. Woods, of Ohio, presented a co pulsory education bill, requiring all children between S and 14 years of sge to attend while schools are kept open, unles sick. Children attending private schools posed on every person having under con-trol a child of school sage who shall fail to send them to school. It is made the duty of the Board of Education to prosecute for the recovery of such fine, the recovery to go to the teachers fund of the district.

go to the teachers fund of the district. Provisions are made for ascertaining whether the children attend.

Mr. Hagans, of Monongalia, introduced a bill to amend the law so that any person presenting a diploma from the law school of the West Virginia University, shall be admitted to practice in all the courts in this State; also a bill providing that witnesses summoned to appear hefore grand juries shall be paid mileage for all distances over three miles, and per diem after the first day's attendance; also a recolution to secure the wages of laborers and employes and to provide that ten hours shall be a lawful day's work.

—Mr. Reynolds, of Mercer, introduced in the House a prohibition amendment.

Mr. Jones, of Freston, introduced a bill to submit to the paople in 1888 a change.

to submit to the people in 1888, a change in the County Court of Preston so that each district will elect a representative to

ench district will elect a representative to that body.

Senator Morrison, of Braxton, offered a bill to remove mill dams and all other obstructions in Elk River from its mouth to the Webster county line.

Senator Scott, of Ohio, introduced the old House bill No. 77 as Senato bill No. 8 to amend the tax lawe, also his University co-education bill of the last Legislature.

PROHIBITION AMENDMENT.

In the Senate this morning the prohibition amendment came up. Mr. Scott moved to lay it on the table. On a call of the yeas and nays, 10, nine Demograts and one Republican, voted in favor of tabling, to 14 against. If this be a fair

test, the Senate will not pass the pro-hibition resolution.

Scott's resolution to investigate the penitentiary brought on a lengthy discussion. The Democrats wanted to get rid of the preamble, which regites that the investigation is undertaken because of public charges of brutal treatment and extrava-

gant management.
\_ Brown, Flournoy, Sommerville and Mc-Brown, Flournoy, Sommerville and Mc-Creery made all sorts of motions to get the preamble out, while Scott, Maxwell and Dawson, on the Republican side, in-sisted the preamble should remain. It was developed that ex-Assistant Superin-tendent Wilkerson was at that moment preparing charges and would have them ready, possibly by to-morrow. The Demo-crats will consent to an investigation, but want it their way. The subject was made the special order for to-morrow afternoon. Superintendent Peck desires the investi-gation.

VISITING STATESMEN

At the Capital City-Men who are Merely There on "Business."

There on "Business."

Special Dispatch to the Intelligencer.

CHARLESTON, W. VA., Jan. 13. — The through train from Wheeling arrived at Point Pleasent on time this afternoon bu the Kanawha & Ohio train was delayed twelve miles up the river. On the train

C. B. H.

for fun. P. L. Kimberly is not here but expects to be to-morrow. He is en-route down the river on a prospecting visit to the Cedar Creek Coal Works, having stopped at Point Pleasant this evening. Wilbur Dyer, of Grant, Col. Alex. Monroe, of Hampshire and Col. White are suspected to be here to balance the opposition from the Hampshire section. Dr. Barbee and Judge R. S. Brown also arrived this evening. Mr. Camden Somers, mother and sister came 'in this evening on a visit to friends here.

Civil Service Caucus. CHARLESTON, W. VA., Jan. 13.—A caucus on Civil Service reform is to be held in a day or two. U.S. Marshal Schon, U. S. District Attorney Watts, his assistan Leonard, and Deputy Collector of Interna ne are here to attend it Collector McGraw is expected. Special Commissioner Charley Wells will preside. These gentlemen are not intensely hostile to Camden. c. u. u. Clayborne all Right Again,

Special Dispatch to the Intelligencer.

CHABLESTON, W. VA, Jan. 13.—Clayborne, the defeated candidate for Sergeant at-Arms who attempted suicide, is walking around to-day and is pronounced out of dayner. of danger.

"OUR COUNTRY." at the Alumni Reception.

Washington, D. C., Jan. 13.-Secretary last night, said: "In the newspapers of to-day there are speeches reported in another land made by two men who perhaps speak as much for their country, or more for it, than any other men that ever ruled it. Bismarck and Von Moltke have with

in, and yet this is the fruit and this is the result."
"Brute force!" exclaimed the Secretary. "Brute force!" exclaimed the Secretary.
"Is that the end of civilization? Is that all this nineteeath century can offer from her wisest men, and is there nothing to counteract it? If Yale College were a mero echool; if it taught men the Greek which you know so well; if it had no lessons other than those the schoolmasters can teach and boy can learn, why, the case would be hopeful for us. But is there no counteracting force in this land of ours that shall meet this terrible confession that comes from the heart of Europe to-day—that nothing but brute force can govern? Gentlemen, can we not, to night, learn something from the words we have tion (referring to the response of Presi dent Dwight to the toast "Yale—The Uni used to strengthen-to what can we look to aver from us what seems to be the fate of civilized Europe to day if those who are their spokesmen speak the unhappy

truth?
"It seems to me there are other forces that may be exemplified by the university of which this excellent man is president (turning to President Dwight). It cannot be that brute force or military power is to be the security of any people or guardian of any civilization that is to preserve the rule that was born or guardian of any civilization that is to progress under the rule that was born 1887 years ago, and therefore when you ask me, 'At qui illam regit!' I do not think I could answer you better than by the simple word: Yale. I do not mean the college or the number of schools that are collected into a university system in the town of New Haven, but I mean that American spirit of education, something better than scholarship, better than professorship, greater and stronger—the development of the higher capacities of God's greatest creation, man. We still may find in the heart of this republic something that shall protect humanity from military force, something that shall make military force only the ultimate recourse for settling difficulties, resorted to as a temporary aid and always subservient to the end in view—the mature advancement of a people who shall live

Congress was called to order by President Beverly. There was a much larger attendance than vesterday. In accordance with a resolution adopted yesterday, President Beverly appointed Col. R. S. Duke, of Virginia; Hon. J. W. Stryker, of West Virginia; Hon. J. W. Stryker, of West Virginia; Hon. L. D. Lewis, of Virginia; Springer Harbaugh, of Minnesota; and W. L. Parkinson, of Kausas, as a committee to confer with Congressmen in relation to the Secretaryship of Agriculture. Also the following committee to confer with the Agricultural Committee of Congress and the State Department: L. W. Corbin, chairman, of Virginia; J. G. Walsh, of Indiana; J. O. Saxton, of Pennsylvania; J. W. Miles, of Iowa, and D. M. Russell, of Mississippi.

dissignippi.

President Beverly was made ex-officio Chairman of both committees. The Committee on Resolutions then reported several resolutions, the most important of which wes: "That the clause in the which was: "That the clause in the charters of the National Banks which forbids their localing money, works a great injury to the farmers by denying them privileges and thus causing them to pay a higher rate of interest than others; and that we, the farmers of the United States, in congress assembled, do respectfully had

resident sent the following nominations to the Senato to-day to be consuls of the United States: John P. Campbell, of California, at Auckland; Henry H. Pen-dieton, of Wheeling, West, Va., at South-ampton, Eng.

consulships and pays \$3,000 a year. Mr. Pendleton until recently was Olerk of the Board of Education of this city and Librarian of the Public Library.

## AMERICAN WORKMEN

BEING CROWDED OUT OF SHOPS

and Factories by Foreigners-Report Commissioner of Labor Peck, of New York - The Apprentice System of This

that startled with horror the populace of several of the Western cities, it has nevertheless been carnest and pronounced. With rare exceptions organized labor has continued in this State, with greater success and vigor than ever before, to agitate, to strike and to boycott during the past year, and 1886 will be remembered as one of the greatest importance in the batt's waged between capital and labor, the signal failures and success of which will not be lost or fail to serve as lessons of value to the student of serve as lessons of value to the student social and economic questions. APPRENTICESHIP QUESTION,

at great length and in a most exhaustive manner. Among other things the Commissioner says, in discussing the question: "As a very prominent feature of the labor question, it has been found expedient and necessary to look into our apprenticeship system—the means at hand of renewing and perpetuating our labor supply. The broad result is that we are largely dependent upon foreign skilled labor. Our supply of native mechanics is daily augmented by the skilled labor of Europe, and while this foreign element is not equal to the skilled labor which is retained in Europe, it is in the main vastly superior to that produced in our own country. Whether unrestricted immigration be or be not a national blessing may be disputed, but a visit to the workshops of the State will demonstrate the truthfulness of the statement that the large majority of our tradesmen and mechanics are foreigners. Indeed, in many trade and industrial establishments there is not a single American at work. Nearly all very generally expressed and accepted that most of the labor troubles of the last few years have been precipitated no by whole trades, but by sections of them and that these sections were largely cor

is mentioned above. He argues in fayo of manual training as a means of keepin up the supply of trained labor and preventing the coming man from becomin the slave of the machine.

LESS HOURS OF LABOR

dom accompanies a post praudial speech reigned throughout the room, and all the faces aurrounding the board wore a thoughtfal look.

FARMERS CONGRESS.

The Legislation They nik for—To Call on the Washington, Jan, 13.—The Farmers

Carries the conviction that labor deserves to succeed in a cause for which it is willing to make such sacrifices.

When the question of strikes and kindred labor troubles is analyzed in a calm and dispassionate spirit, it will be discovered that there is a great deal of error in the public mind regarding it. Employers, as a rule, assert that striking is not, under any circumstances, justifiable, not, under any circumstances, justifiable contending that wages would ultimately and inevitably increase without then

luctant to use it, and as the organizations grow older they only resort to it when they have been ignored and compelled to use it in self-defense.

The closing portion of the report is devoted to a consideration of the Saturday half-holiday movement, the success attending the agitation of the sabject, and the benefits derived from it.

PRODUCTION OF PIG IRON Manufacturers Importing from England
Why they Do So.
Sr. Louis, Jan. 13.—The Age of Steel an

higher rate of interest than others; and that we, the farmers of the United States, in congress assembled, do respectfully let urgently ask the Congress of the United States to repeal the same."

It was proposed that the members call upon the President of the United States. A message was cent to the White House to learn the President's convenience. Col. Lamont replied that the President was engaged to-day, but would be pleased to receive them to-morrow. Half-past one o'clock was then set as the hour for calling. The delegates of each State and territory were asked to call upon, their representatives in Congress and personally endeavor to hasten legislation on the matters which have been disgussed.

The price is about \$21 duty included, on the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, which is one dollar to the wharf in St. Louis, when t

first strong upward turn of prices, and while, as a body, furnacemen have de-

this upward movement gone far enough? The production is forty percent greater than ever before and prices have now reached the point of importation."

Window Glass Manufacturers. Washington, Jan. 13.—The semi-annua meeting of the American Window Glass

Manufacturers' Association took place at the Riggs house to-day. The efficers are: President, E. L. Bodine, of Philadelphia, vice President, Thomas Wightman, of Pittaburgh; Secretary, O. E. Trazee, of New York; Treasurer, William Lociller, of Labor was submitted to the Legislature, of Labor was submitted to the Legislature, of Pittaburgh. There was in attendance about 500 delegates from all sections. Mr. Bodine informed a reporter that the seesion was occupied by the reading of the trade. Mr. Bodine said that about sighty-two percent of the capacity of the country is now in blast. The manufacturing year, which commences in September, did not commence this year units year units year units was an included the wholly unwarranted and criminal excesses that startled with horror the new local section. Manufacturers' Association took place at

Industrial Convention dustrial convention to be held at Cincinble discussion in labor circles in Pitta-burgh and throughout the State. There has been no step taken as yet in Pittsburgh for the election of delegates, though it is said that meetings will soon be called, and that this city will have a full repre-santation.

Pittssungu, Jan. 13.—The wages of the iron workers who are members of the Amalgamated Association will probably The iron market has lately developed firmness and manufacturers in interviews stated to a reporter that an advance in the

More Statistics Showing the Wonderfu Record for this week will publish further details of manufacturing enterprises in the transaction yet recorded is the sale of the immense property of the Woodstock Iron

of labor" are thus summed up: "As predicted in the last report of this Bureau, is a very general movement was made on the first day of May last looking to their first day of May last looking to the This super contains a super company that has been sold to a new provement or manufacturing purposes. The losses by these different strikes, boyers, etc., he is mable to give a total, but you wage in the super contains a super carried to the hand the losses of \$3,000,000 or the other hand the losses of \$3,000,000 or the other hand the losses of \$4,000 or \$4,0

A STRONG PROTEST

New York, Jan. 13.—The article by Henry Georgo on the McGlynn case,

which was published in the last issue of his paper, seems likely to cause some trouble in the labor ranks. In the next issue of John Swinton's Paper, will appear the following article headed, "A Protest:" and inevitably increase without them. Issue of John Swinton's Paper, will appear Indeed, they manifest a desire to ignore the following article headed, "A Protest." the subject altogether, and only \$\delta\$ "We protest most energetically against give it attention when they are compelled. From the trade unionists' standpoint, however, there is ample justification for this weapon, though they are reluctant to use it, and as the organizations grow older they only resort to it when the provided the men of every race and creed, as well as men without creed, are beginning to take part. The work has been prosecuted hitherto without trenching upon any man's conscience, and thus only can it be carried to success, clearing the way as we advance and overcoming the stumbling blocks as they are met. We have dreaded all along that the enemy would precipitate some ecclesiastical obstacle acress our lines, behind which our forces would fall to fight each other; thus confounding the forward march and blasting why they Do So.

St. Louis, Jan. 13.—The Age of Steel announces that the Shickley, Harrison & Howard Iron Company of this city, in consequence of inability to obtain supplies of pig iron from the South has contracted for ten thousand tons of No. 3

Middleboro (England) foundry pig for immediate shipment with No. October. be used as an agent for precipitating the obstacle upon which our united ranks are to be broken in the warfare against social and industrial wrongs.'

PITTSBURGH, Jan. 13 .- A Commercial Gazette Titusville, Pa., special says: Four mall children were to-day locked in their home by their father and mother. Thomas Keene and wife, living on a farm just east of the city, while the parents went to a neighboring farm house to hire out for the day. During their absence the children found a large powder flask, filled, and for an experiment threw it into the fire. The result was an explosion in which the result was an explosion in which the children were all terribly burned, the eye-sight of one being destroyed. None of the children will die.

A Gift for All. In order to give all a chance to test it, and thus be convinced of its wonderful curative powers, Dr. King's New Discovery for Consumption, Conghs and Colds, will be, for a limited time, given away. This offer is not only liberal, but shows unbounded faith in the merits of this great remedy. All who suffer from Coughs, Colds, Consumption, Asthms, Bronchitis, or any affection of Throat, Cohest, or Lungs, are especially requested first strong upward turn of prices, and while, as a body, furnacemen have desired a regulation of prices with reference to foreign supplies of iron, yet each have Coughs, Colds, Consumption, Asthms, felt constrained to improve the copportunity to adding to his profits by the best possible sale of capacity not under conract. The question now arises, has not get a Trial Bottle Free, Large Bottles \$1.

A DECISION GIVEN

BY JUDGE JACOB YESTERDAY. Commissioner's Ordinanco-The Full

Main Points Shown

Yesterday morning Judge Jacob renordinance of the city of Wheeling, re-

reach jacked cleation in the matter of the so ordinance of the city of Wheeling, recouly passed, creating a Band of Fire and Police Commissioners and putting at the control and management of those two its more than the partitioned to declare illipezal.

Important departments under the same, which the court was petitioned to declare lilegal.

The stir and comment that was caused by the passage of that ordinance, the political capital that many of its opportance as good of the powers pranted by the passage of that ordinance, the political capital that many of its opportance as not to require more than a more reference to. It is all odoubless remembered by every one, as the matter was a ogenerally discussed as the endangement of the court was petitioned, what steps were taken by both eides or what the arguments were. The decision of Judge 20.20 is given in fail below. The salient points of that are stollows: The ordinance is no far as thosy relate to the more than a manufacture of the capital that are stollows: The ordinance is no far as the port of the fire Department of the capital that are stollows: The ordinance is no far as the port of the fire Department of the Court wild.

The provision in Section 1 which provides that two of the four members of the Court and the court was petitioned to the capital that the charter properly construed, to authorize the court was petitioned to the capital that the charter properly construed, to authorize the court was petitioned to the capital that the charter properly construed, to authorize the court and the court was been as a Board; the Board constitutes a part of the capital that the charter properly construed to the court was petitioned to the capital that the charter properly construed to the court was petitioned to the capital that the charter properly construed to th

The provision in Section 1 which provides that two of the four members of the Board shall be chosen from a political party opposite to that the other two belong to, is directory and if Council choose to violate it the parties elected would not be disqualified.

The provision that no saloou-keeper shall be a deputy sergeant is declared valid because that is not a personal qualitication for an officer but a regulation as to what a deputy may do while in office.

The provision that no one shall be chosen a deputy unless he can read and write the English language is invalid because it is a personal qualification for an of-

liceman must be able to read and write English and not a salon-keeper. The decision is a split on those points.

An appeal will probably be taken to ascertain if there is not some control to be had over the Police Department or whether it was the view of the Legislature to put that branch of the city government beyond all control of the city's representatives.

Whether the ordinance in question or any of the provisions thereof, are made contrary to law.

It is hardly necessary to say that the

It is hardly necessary to say that the Court is not called upon to consider the expediency, wisdom or necessity of this ordinance. These are questions exclusively for the consideration of the Legislature or the Council of the city; but the Court, under the terms of the Act of 1875, is required to consider and determine the validity of this ordinance, or, in other words, to enquire into and determine upon the power and authority of the Council of the city of Wheeling to adopt this ordinance.

the city of Wheeling to adopt this ordinance.

The first section of the ordinance provides for the election by Council of four officers, "two of whom shall be of opposite politics from the others, who shall constitute an official Board, which shall be called the Police and Fire Commissioners of the city of Wheeling!" The succeeding sections prescribe the powers and duties of this Board, and of certain other officers.

ers.
It is insisted by the petitioners that the City Council had no authority to create such a Board. To what source are we to ook for the requisite authority in the Council? Unquestionably to the Acts of Council? Objectionably to the Acts of the Legislature,
In Hoboken vs. Harrison, 30 New Jersey, 75, the learned Ohief Justice said:
"The powers of a municipal corporation are derived from its charter. It cannot, without express authority from the charter, create an office define its duties and

appoint an incumbent or clothe him with the powers of a municipal officer." Judge Dillon lays down the rule on this

clared object and purposes of the corpora-tion-not simply convenient, but indis-The Supreme Court of the United States cites this section of Judgo Dillon's work approvingly in City of Ottawa v. Casey, 108 U. S., 110.

Judge Cooley says (Constitutional Limi-

ations, page 231, 4th edition): "The charter or general law under which they charter or general law under which they (unnicipal corporations) exercise their powers, is their Constitution, in which they must be able to show authority for the acts they assume to perform. They have no inherent jurisdiction to make laws, or adopt regulations of government; they are governments of enumerated powers, acting by a delegated authority; no that while the State Legislature may exercise such powers of government within a proper designation of legislatures as are not expressly or implicitly prohibitions. bited, the local authorities can exercise those only which are expressly or implied-ly conferred, and subject to such regula-

tions or instructions as are annexed to the grant."

Judge Cooley further says (p. 235-6):
"And the general disposition of the courts of this country, has been to confine municipalities within the limit which a strict construction of the construc alcipalities within the limit which a strict construction of the grants of powers in their charters will assign to them; thus applying substantially the same rule that is applied to charters of private corpora-tions. The reasonable presumption is that the State has granted in clear and unmistakable terms all it has desired to grant at all."

Judge Dillon says in the section before referred to (891): "Any fair, reasonable doubts concerning the existence of power

provide for the establishment, organiza-tion, equipment and government of a Fire Department." The Legislative power did not prescribe what should constitute a Fire Department, how it should be or-ganized, what offilers it should consist of, how they should be designated, what should be their duties nor how they were to be chosen.

to be chosen.

The third section of Chapter 195 of the Acts of 1882, so far as it is necessary to quote, is as follows:

"The Council shall have authority, un-

"The Council shall have anthority, unless otherwise provided by law, to provide for the appointment or election by Council of such efficers, whose election or appointment is not provided for by law, as shall be necessary or proper to carry into effect any authority which is or shall be vested in the said city, or in the Council or in the Mayor or Alderman thereof; to grant to the officers so appointed or elected by the Council the powers necessary or proper for the purpose above mentioned, to define their duties; to fix their terms of office, and to allow them reasonable fees and compensation."

It is apparent, therefore, that the Council is vested with the express power to create "a Fire Department," and also, "to ordsin and enforce such regulations as shall be necessary and proper to prevent seculates by fice within seid-divergence.

create "a Fire Department," and also, "to ordain and enforce such regulations as shall be necessary and proper to prevent accidents by fire within said city, or to secure the inhabitants thereof as far na practicable from injury thereby;" and it is also clear that the Council has the express authority, the Legislature not having provided otherwise, to provide for the appointment or election of officers necessary or proper to carry into effect the power vested in it to create a Fire Department, to grant such officers the powers necessary or proper for the purpose, to define their duties, and to fix their term of office. (See also Section 29 of the Act of March, 1879.)

If in the exercise of the powers instead in the establishment of a Fire Department, deemed it advisable or proper to provide for the election of four officers, to constitute an official Board to be called the Fire Commissioners of the City of Wheeling, te grant to them necessary or propor powers, and to define their duties, and officers being a constituent part of the Fire Department, I am not prepared to say that in so doing, the Council exceeded its anthority, or that an ordinance passed by Council to this effect is made contrary to law. It is true there is no express power conferred upon Council to create such a Board; nor can it be said that such

to law. It is true there is no express power conferred upon Cunnoil to create such a Board; nor can it be said that such a Board is indispensible to the organization of a Fire Department, but I think such power may be fairly implied in, or is incident to the powers before mentioned as expressly granted; and therefore that it comes under the second head mentioned by Judge Dillon.

Let us now ecquire into the authority of the Council to establish a Police Department, and to create a Board of Police Commissioners. I have already referred to the first section of the ordinance in question, providing for the election of a Board to be called "The Police and Fire Commissioners of the City of Wheeling." Soard to be called "The Police and Fir Commissioners of the City of Wheeling. The fourth section of this ordinance is a

follows:
"The said Commissioners, with the City
Sergeant and his deputies, shall consti-tute a Police Department of the City of There is no act of the Legislature ex-

ressly authorizing the Council to estab-ish a Police Department, as there is in elation to a Fire Department, and the conclusions drawn in reference to the latter do not, therefore, apply necessarily to a Police Department. If such authority exists, it must arise by fair implication from some of the powers expressly granted, or be indispensible to the declared object and purpose of the corporation. That a Police Board and Police Department are indispensible, is not claimed, and could not be successfully maintained, because the city covernment by hear new onclusions drawn in reference to the la ried on for many years without them. The whole question is, therefore, narrowed down to one of implied power, and upon this point the respondents must rest their What then are the express powers con-

ferred upon Council from which the power to create a Police Board and estab-lish a Police Department can be fairly im-

Several provisions are relied upon by Several provisions are relied upon by the respondents for this purpose. First— The first clause of Section 28 of the Act of March 11, 1838, which is as follows: "All the corporate powers, capacities and jurisdictions of said city shall be vested in and exercised by the Council unless other-wise expressly enacted." It seems very plain that this clause of itself confers no plain that this clause of itself confers no power on the Council, but merely gives a rule of construction to be applied to other provisions of the charter—in other words, it simply provides that when any power, capacity or jurisdiction has been given to the city, and such power, capacity or jurisdiction has not been lodged in some other branch or officer of the city government by express enactment, then it is vested in aud is to be exercised by the Council. nd is to be exercised by the Council his is all that need be said on this point.

his is all that need be said on this point. Second—The last clause of Section 57 of he Act of March 11, 1836: A similar clause to be found in most charters; it is known as the "general welfare" clause, and sa so follows:

"Generally they (meaning the Coun-

[Continued on Fourth Page.]

THE DEAD MINISTER.

COMMENT OF BRITISH PRES

Glowing Tributes Paid to His High Churacter-Ills Taking off a lilow to

LONDON, Jan. 13.—The unfortunate fate

of Lord Iddesleigh has excited sympathy

aggree justines the male-volent guesses of goesipers."

The Standard says: "With the sad honors paid to Lord Iddesleigh's memory will mingle lively sympathy for the Premier who must feel as an aggravation of bitterness that in his last anything interfered with the happy relations which bound Lord Iddesleigh to the Conservative cause."

The Daily Telegraph says: "A more honorable, straightforward man never sat

honorable, straightforward man never sat in either House. His loyalty to his party was not in the least affected by the recent events, nor was his confidence in the gov-ernment shaken."

Austrian Press on Bismarck. VIENNA, Jan. 13.—The Fremdenblatt says the declaration in Prince Bismarck's peech in the German Reichstag, Tuesday, of German indifference to Austria, Hun-gary and Bulgaria, confirms the statement of Count Calnoky, Austro-Hungarian For-eign Minister to the Delegations, that eign Minister to the Delegations, that Germany, as a peacemaker, would find the Governments at Vienna and St. Peterburg ready to settle all differences on a just and pecific basis. Prince Bismarck's decisive reference to Bulgaria has had a sobering influence everywhere. It is to be hoped that it will have a salutary effect at Sofia, where it anould be remembered that the sympathies of Europe will leasen as soon as the Bulgarians disregard the interests of Europe, which are to maintain poace.

maintain peace.

Finances of Russia Sr. Petersuurg, Jan. 13.-The budget for the past year has just been published. Itshows a deficit of 5,222,662 pounds jextra exponditures 1,000,000 pounds, and expenditures for railway and harbor 6,916,313 pounds. The Minister of Finance attributes the continued commercial crisis to the unavoidable reduction of public and private incomes resulting from the denres private incomes resulting from the depres-sion. He considers, it inexpedient to in-crease the present taxes or to levy new ones, as there are resources available suf-ficient to cover the deficit. He proposes to raise 6,071 428 pounds for extra expen-diture by means of a loan.

Scone in a Parisian Court. Paris, Jan. 13 .- A man named Duval, found guilty of robbery, incendiarism and seriously injuring a gendarme at the time death. Duval, who is an Anarchist, com-mitted burglary in a lady's house and afterwards set fire to the building. In the which he endeauored to justify his action Anarchists present vigorously applauded

Stanley Feted in London LONDON, Jan. 13 .- The freedom of the City of London was to-day conferred upon Mr. Henry M. Stanley. The ceremony took place in the Council Chamber of the Guild Hall, and a most enthusiastic recepion was accorded the explorer by a brilliant company.

Murdered Ills Wife

MOUNT HOLLY, N. J., Jan. 13 .- A week go William Agnew, of Palmyra, went home from a ball at that place with his derous blows on the head, crushing in her skull. He then carried her up stairs to skull. He then carried her up stairs to bed and she died that night. Since then the body has laid in the room undisturbed, and Agnew remained about the house and slept in the same room with the murdered woman until yesterday when the body was discovered.

Agnew was arrested and locked up. He confersed, saying he committed the deed

onfessed, saying he committed the deed while drunk, and that he was prompted by jealousy. Crushed by a Falling Wall DETROIT, MICH., Jan. 13 .- While work-

nen were pulling down the ruins of s ouilding on Clinton street, about twenty feet of the wall fell on two boys and a men. Martin Dussch, one of the work-men, was badly crushed by the falling bricks. John Londroske, aged 13, and his brother Adam, aged 10, were so bally injured that they were taken out for dead. They have revived, but their e-covery is doubtful.

Consting

Pittsnurgit, Jan. 13 .- Two boys name ! Smith and Mertz were coasting on Erin street this afternoon when their sled ran into a wayon and was completely demolished. The boys were thrown to the ground and nearly killed. Mortz was injured and picked up unconscious. His condition this evening is critical, and he will probably die.

A. O. U. W. Meeting. Pirrssungu, Jan. 13.-To-day's session of the Grand Lodge A. O. U. W., was oc-

cupied with the consideration of reports Quite a ripple of excitement was caused this afternoon by the rumor that a propo-sition looking towards the amalganation of the A.O. U. W. and the Royal Arcanum would come before the Grand Lodge. PITTSBURGH, PA., Jan. 13.-At a meet-

ing of the Western Pennsylvania Poultry and Bench Association here to-day it was decided to hold the annual bench show aggregate \$4,000.